

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
v.	)	
	)	No. 4:20-CR-00078-MTS
	)	
<b>PHILLIP L. COTTON,</b>	)	
	)	
Defendant.	)	

**MOTION TO CONTINUE SENTENCING**

Comes now Defendant, Phillip L. Cotton by and through his attorney, Mark A. Hammer (“counsel”), and respectfully requests a continuation of the sentencing currently scheduled for November 5, 2021, at 8:30 am. This motion is made on the following grounds:

- 1) Counsel has spoken with his client on multiple occasions since his last scheduled sentencing date in October but did not learn until yesterday that Defendant sent 9 character letters in October from identified family and friends directly to the Court for its consideration from the Pulaski County, IL jail.
- 2) Counsel spoke with the Court’s clerk yesterday to determine whether the Court had received those letters for its consideration. The clerk called back to report that it had no letters from Defendant and that, if received, the letters would have been sent down to the Clerk of Court for processing and filing. The Clerk of Court had no record of receipt of those letters.
- 3) Counsel has since yesterday verified with family members and friends that these letters were written and sent to Defendant at Pulaski County. Defendant did not maintain a copy of the original letters of which at least 4 were hand-written.

4) Defendant expressed concern that the Court did not have these letters to consider for his sentence and has asked that his sentencing be again postponed so that counsel can request and receive these letters directly and file them with the Court before his sentencing.

5) Counsel has spoken with AUSA Anderson who has no objection to the request for continuance.

Counsel apologizes for the late notice but just received the request from his client and believes he should respond accordingly. For these reasons, counsel respectfully requests that the sentencing hearing be continued for at least two weeks so that these letters can be received and filed with the Court.

Respectfully submitted,

/s/ Mark A. Hammer

Mark A. Hammer, Bar #61542MO  
The Hammer Law Firm, LLC  
100 Chesterfield Business Pkwy, Ste 200  
Chesterfield, MO 63005  
314-651-9311

***CERTIFICATE OF SERVICE***

I certify that, on November 4, 2021, a copy of this document was electronically filed with the Clerk of Court, and served on all counsel of record, by the CM-ECF system.

/s/ Mark A. Hammer